

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application; please amend the claims as follows:

1. (Currently Amended) A thermoplastic elastomer composition comprising at least one thermoplastic material (A) chosen from a polyamide based thermoplastic material and at least one microgel (B), wherein said microgel (B) ~~comprises~~ primary particles and is based on homopolymers or random copolymers based on rubber particles chosen from polybutadiene/acrylonitrile copolymers (NBR), and is not crosslinked by high-energy radiation, and comprises primary particles having an average particle size of 30 to 300 nm.
2. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein the primary particles of the microgel (B) have an approximately spherical geometry.
3. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein a deviation of the diameters of an individual primary particles of the microgel (B) is less than 250%, said deviation is defined as

$$[(d1 - d2) / d2] \times 100 \%,$$

wherein d1 and d2 are any two desired diameters of any desired section of the primary particle and d1 is > d2.

4. (Previously Presented) The thermoplastic elastomer composition according to claim 3, wherein said deviation is less than 50 %.
5. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein the primary particles have an average particle size of 5 to 500 nm.

6. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein the primary particles have an average particle size of less than 99 nm.
7. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein the microgel (B) has a content which is insoluble in toluene at 23 °C of at least about 70 wt. %.
8. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein the microgel (B) has a swelling index in toluene at 23 °C of less than about 80.
9. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein the microgel (B) has a glass transition temperature of -100 °C to +50 °C.
10. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein the microgel (B) has a width of the glass transition range of greater than about 5 °C.
11. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein the microgel (B) is obtainable by emulsion polymerization.
12. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein the thermoplastic material (A) has a Vicat softening temperature of at least 50 °C.
13. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein the thermoplastic material (A) is selected from the group consisting of thermoplastic polymers and thermoplastic elastomers.

14. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein a difference in glass transition temperature between the thermoplastic material (A) and the microgel (B) is between 0 and 250 °C.
15. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein the weight ratio of thermoplastic material (A) to microgel (B) is from 1 : 99 to 99 : 1.
16. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein the weight ratio of thermoplastic material (A) to microgel (B) is from 10 : 90 to 90 : 10.
17. (Previously Presented) The thermoplastic elastomer composition according to claim 1, further comprising at least one conventional plastics additive.
18. (Previously Presented) The thermoplastic elastomer composition according to claim 1, obtained by mixing the least one thermoplastic material (A) and the at least one microgel (B).
19. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein the microgel (B) comprises functional groups.
20. (Cancelled)
21. (Currently Amended) A process for the preparation of a thermoplastic elastomer composition comprising:
 - mixing at least one thermoplastic material (A) chosen from a polyamide based thermoplastic material with at least one microgel (B), wherein said microgel (B) is based on homopolymers or random copolymers based on rubber particles chosen from polybutadiene/acrylonitrile copolymers (NBR), and is not

crosslinked by high-energy radiation, and comprises primary particles having an average particle size of 30 to 300 nm.

22. (Currently Amended) The process according to claim 21, wherein the microgel (B) is prepared before said mixing with the thermoplastic material (A).
23. (Currently Amended) A thermoplastic elastomer composition obtained by the process according to claim 21 or 22.
24. (Previously Presented) A process for incorporation into further thermoplastic materials of the thermoplastic elastomer composition according to claim 1, comprising:
adding the thermoplastic elastomer composition according to claim 1 as a masterbatch to the further thermoplastic materials.
25. (Previously Presented) A process for the production of thermoplastically processable shaped articles, comprising:
providing the thermoplastic elastomer composition according to claim 1 for shaping.
26. (Previously Presented) Shaped articles obtained by shaping the thermoplastic elastomer composition according to claim 1.
27. (Previously Presented) The thermoplastic elastomer composition according to claim 1, wherein the weight ratio of thermoplastic material (A) to microgel (B) is from 20 : 80 to 80 : 20.
28. (NEW) Thermoplastic elastomer composition according to claim 1, wherein the thermoplastic material (A) is a thermoplastic polymer (A1).

29. (NEW) Thermoplastic elastomer composition according to claim 1, wherein the thermoplastic material (A) is a thermoplastic elastomer (A2).